

REMARKS

By this Amendment, Applicants amend claim 23 and cancel claims 5, 15-22, and 24-28, without any prejudice or disclaimer to the subject matter thereof. Only claim 23 is currently pending.

In the Office Action, the Examiner objected to claim 27 as informal; rejected claim 25 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,813,434 to Noguchi et al. ("Noguchi"); rejected claims 5, 15-23, and 26-28 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,835,667 to Wactlar ("Wactlar"); and rejected claim 24 under 35 U.S.C. § 103(a) as unpatentable over Noguchi.¹

Regarding the claim objections

Applicants respectfully traverse the Examiner's objection to claim 27 as informal. However, in order to expedite the prosecution of this application, Applicants have canceled claim 27. The Examiner's objection to claim 27 is therefore moot.

Regarding the claim rejection under 35 U.S.C. § 102

Applicants respectfully traverse the Examiner's rejection of claim 25 under 35 U.S.C. § 102(b) as anticipated by Noguchi. However, in order to expedite the prosecution of this application, Applicants have canceled claim 25. The Section 102(b) rejection of claim 25 is therefore moot.

Regarding the claim rejection under 35 U.S.C. § 103

Applicants respectfully traverse the Examiner's rejection of claim 24 under 35 U.S.C. § 103(a) as unpatentable over Noguchi. However, in order to expedite the

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

prosecution of this application, Applicants have canceled claim 24. The Section 103(a) rejection of claim 24 is therefore moot.

Applicants respectfully traverse the Examiner's rejection of claims 5, 15-23, and 26-28 under 35 U.S.C. § 103(a) as unpatentable over Wactlar, because a *prima facie* case of obviousness has not been established. Because claims 5, 15-22, and 26-28 have been canceled, the Section 103(a) rejection of claims 5, 15-22, and 26-28 is moot.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143. No *prima facie* case of obviousness has been established with respect to claim 23 for at least the reason that the cited reference fails to teach or suggest each and every element of claim 23.

Independent claim 23, as amended, recites a combination including, for example, "managing a manner of reproduction of the music information to search a plurality of representative images representing one or more pieces of music information," and "wherein, the plurality of pieces of still image information include the plurality of representative images each representing a music piece of the music information and other still images capable of being associated with music pieces of the music information, and in a case where the still image information is configured to be displayed at the same time when the audio information is reproduced in accordance

with the reproduction sequence, a specific one of the pieces of the still image information configured to be displayed first is set as a representative still image of the contents of the reproduction sequence.” Wactlar fails to teach or suggest at least the above claim elements as recited in amended claim 23.

The Examiner alleges that “Wactlar discloses . . . reproducing management information for managing a manner of reproduction of the music information to search for a representative image representing one or more pieces of audio information (Col 16, lines 16-19 ‘The searchable portions of the digital library 36, i.e., the transcripts and auxiliary indices, exist as the top media server node 84 and are replicated at each site’).” (Office Action at 6, emphasis added).² Applicants respectfully disagree.

Wactlar explicitly states that “[t]he segmented compressed video 40 is searched using the associated indexed transcripts of text 38. The appropriate selection is further refined through scene sizing developed by image understanding technology 32.

Appearing on the screen are several icons, some showing motion clips of the video contained.” Column 17, lines 43-47, emphasis added. Therefore, in Wactlar, the search is performed by using textual information indexed transcripts of text 38, not by the icons. Moreover, the icons are used to represent video segments resulted from the search.

Thus, although Wactlar uses icons to show video segments resulted from a search, the icons themselves are neither the objects of the search nor the results of the search. In fact, the icons in Wactlar is to display the searched video segments, Wactlar does not search the icons and the icons cannot be searched. See Wactlar, column 17,

² Applicants respectfully point out that “a representative image” as stated does not constitute Applicants’ claimed “the plurality of representative images.”

lines 59-64. To the contrary, the claimed reproduction management information is “to search a plurality of representative images representing one or more pieces of music information.”

Further, Wactlar fails to teach or suggest at least “the plurality of pieces of still image information include the plurality of representative images each representing a music piece of the music information and other still images capable of being associated with music pieces of the music information,” as recited in amended claim 23. Wactlar merely mentions that “image processing helped select representative still images for icons.” Column 17, lines 53-54. However, Wactlar does not teach that other still images in addition to the representative still images may be created. A mere mentioning of representative still images does not constitute “the plurality of pieces of still image information include the plurality of representative images each representing a music piece of the music information and other still images capable of being associated with music pieces of the music information,” as recited in amended claim 23.

Therefore, Wactlar fails to teach or suggest all claim elements of amended claim 23. A *prima facie* case of obviousness has not been established. Accordingly, Applicants respectfully request withdrawal the Section 103(a) rejection of claim 23.

Conclusion

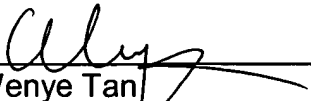
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: May 25, 2006

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